THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

Writ Petition Nos.21233, 21400, 21998, 23603, 24594 of 2006 & 3920 of 2007

In/And

Writ Appeal Nos.367, 377, 378, 380, 395 and 434 of 2007

COMMON JUDGMENT: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

All these writ appeals are preferred against the order passed by the learned Single Judge in W.P.No.21233 of 2006 and batch dated 10.04.2007 whereby the outsourcing contract, awarded by the appellant herein in favour of the 2nd respondent, was set aside; and it was left open to the appellant herein to undertake a fresh exercise duly rectifying the defects pointed out in the judgment. The learned Single Judge made it clear that, till the exercise was undertaken, it was open to the appellant herein to continue the existing arrangement, or to make any other alternative arrangement.

The order passed by the learned Single Judge was stayed by the Division Bench by its order dated 30.04.2007. When a petition was filed to vacate the interim order, the Division Bench, in its order dated 07.06.2007, observed that the 2nd respondent and its associates were shown to have supplied technical personnel to various institutions; the 2nd respondent had the experience of supplying the manpower required for medical colleges; while examining the tenders submitted by a group of persons, the competent authority was entitled to take the past experience of one or all the members of the group/consortium; and the appellant had made out a *prima facie* case. The Division Bench rejected the request to vacate the stay on the ground that the functioning of the newly established medical college would be seriously jeopardized thereby.

It is stated by the learned Advocate General appearing on behalf of the appellant, and the learned counsel for the respondents, that the contract awarded by the appellant to the 2nd respondent was only for a period of one year. If that be so, the period, for which the outsourcing arrangement was entrusted, has evidently expired several years ago.

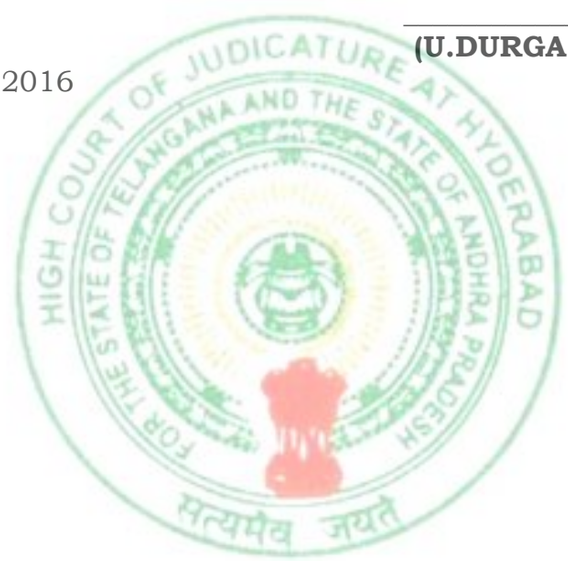
Consequently, the cause in the writ petitions does not survive; and the writ petitions, itself, have become infructuous.

The order of the learned Single Judge is modified and the Writ Petitions are dismissed as infructuous. The Writ Appeals are disposed of accordingly. Miscellaneous petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(U.DURGA PRASAD RAO, J)

08th September 2016
JSU



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